United Nations A/55/296/Add.1

General Assembly

Distr.: General
11 September 2000

Original: English

Fifty-fifth session
Item 116 (b) of the provisional agenda*
**Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# Human rights and cultural diversity

## Report of the Secretary-General

### Addendum

## I. Introduction

1. Subsequent to the submission of the report of the Secretary-General, in accordance with General Assembly resolution 54/160 of 17 December 1999, the Libyan Arab Jamahiriya and Guatemala transmitted their contributions dated 18 July and 21 July 2000, respectively.

2. The information received from the Libyan Arab Jamahiriya and Guatemala is contained in the present document.

## II. Replies received from Governments

### Guatemala

1. The 1985 Constitution of the Republic recognized the existence of ethnic groups and the right to cultural identity. This recognition was further strengthened by the initiation of the peace process in Guatemala. In this context, it is essential to mention the Agreement on identity and rights of indigenous peoples, signed in March 1995. Through that agreement, Guatemala recognized for the first time that the Guatemalan nation is multi-ethnic, multicultural and multilingual in character; the State of Guatemala is comprised by 24 ethnic groups (producing 24 languages).

2. It is important to point out that the present Government has included indigenous people as a major topic within the Government Plan for 2000-2004. Reference should also be made to the statement by the President of the Republic in January 2000, in which he stressed the following:

> "All of us as Guatemalans must pledge ourselves to transforming and democratizing the present exclusionary State, which excludes the indigenous peoples, which penalizes cultural diversity, which persecutes those who express their identity,

* A/55/156 and Corr.1 and 2.

00-63752 (E) 290900

which silences those who express themselves in their own language".

5. Through the above statement, the President of the Republic encouraged the full development of the indigenous peoples, the eradication of racism and discrimination, including the question of participation in the present system of government.

6. The State of Guatemala encountered some obstacles in the process of establishing the foundations of a multi-ethnic, multicultural and multilingual State. First of all, there was the process of constitutional reforms through the mechanism of consultation with the population, which was carried out in May 1999 as part of the peace agreements. Unfortunately, this consultation, which dealt with important reforms related to indigenous matters, proved a failure, partly because, as subsequent studies showed, at that time the people had not properly adjusted to the peace agreements and because the priorities of citizens were still focused on other topics, such as security and the improvement of their household economy.

7. The planned constitutional reforms include amendments to, inter alia, article 1 (protection of the individual), article 66 (protection of ethnic groups), article 70 (specific law), article 143 (official language), and article 203 (independence of the Judicial Branch and the power to judge), recognizing and promoting the cultural diversity of Guatemalan society. The proposed reform contains, for example, references to the multicultural, multi-ethnic and multilingual character of the Guatemalan State within the unity and integrity of its territory, and recognition, respect for and promotion of many indigenous languages, etc.

## Libyan Arab Jamahiriya

8. The Great Socialist People's Libyan Arab Jamahiriya is of the view that "human rights and cultural diversity" relates to a critical issue concerning both human rights and the relationship between cultures, including their direct influence on questions of international peace, development and cooperation.

9. It places high value on the importance of preserving cultural diversity and safeguarding the cultural identity of all peoples as well as on the importance of the coexistence of cultures on the basis of positive dialogue and mutual respect.

10. It further respects all other cultures and facilitates the exercise by non-nationals of all of their cultural rights, including practice of the rites and ceremonies particular to their religions by means of its national legislative enactments and in accordance with the international instruments in force in the country.

11. It continually emphasizes the indivisibility of human rights and the fact that the cultural rights of human beings, which include the right to cultural distinction, are no less important than political, economic and civil rights.

12. Recognizing the importance of cultural diversity in the enrichment of the heritage of humankind, the Great Jamahiriya called for the establishment of full African unity based on a consummate awareness of the linguistic, religious and ethnic diversity of the African continent.

13. The Great Jamahiriya, however, discovers itself among the threatened cultures of this age: the predominant reasoning of (military, political and economic) supremacy, the enormous disparity between the peoples and countries of the globe, the adverse repercussions of economic globalization, the tremendous potential of communications technologies and information exchange and the overwhelming superiority of the centralized capitalist media which serves as the spokesperson for one culture alone are all factors that together threaten to obliterate, distort or marginalize the majority of the world's cultures in favour of one cultural model of prevalence in the international media: the culture of the West and the United States.

14. In addition to jeopardizing the cultural diversity of humankind, this may further stir sentiments of animosity and intolerance, as well as every form of fanaticism, opening the way for the culture of confrontation and closing the door on the culture of peace. In this respect, full and effective respect for human rights must occur within the framework of respect for different national, cultural, religious and historical characteristics.

15. The Great Jamahiriya therefore holds the view that any stance on human rights and cultural diversity must take into consideration the following points:

(a) Indivisibility of all human rights;

(b) The essential need for respect for cultural characteristics in dealing with human rights;

(c) Suitable conditions for the benefit of peoples, with a view to eliminating manifestations of underdevelopment, such as disease, poverty and ignorance;

(d) Creation of an international environment that is free from the fear of nuclear, biological and chemical weapons and means of mass destruction, in order to ensure the flourishing of science and advancement of the arts and literature;

(e) A collective right of every nation, people and cultural group to practice, develop and hand down its culture through generations, which is encompassed in the right of peoples to self-determination;

(f) A greater attention to marginalized and threatened cultures, in order to ensure their continued survival;

(g) Utilization of the technological progress in communications as a means of facilitating cooperation among nations and dialogue between cultures, as well as a means of preserving identities and consequently strengthening cultural diversity.

16. In order to counter the main threats to cultural diversity identified in paragraph 3 above, the Great Jamahiriya calls for consistency within the international community with regard to:

(a) Observing the instruments, principles, customs and laws generally accepted by the international community, with a view to ensuring the preservation by peoples of their identity, their special characteristics, their diversity and cultural, intellectual, doctrinal, political and social traits of distinction (...);

(b) Rejecting discrimination based on differences of colour, sex, religion or cultural affiliation;

(c) Avoiding the imposition of any moulding, shaping or one-sided cultural attitudes;

(d) Resolving cultural conflicts and clashes (...);

(e) Liberating culture from commercial considerations;

(f) Establishing mechanisms for continuity and cultural dialogue at the national level and in the context of bilateral relationships between States and cultural institutions, as well as in the context of international organizations, and promoting non-governmental organizations working in the field of cultural protection.

17. Furthermore, the Great Jamahiriya is of the view that arbitrary respect for cultural diversity must be avoided. The concept of cultural diversity should not be used as justification for interference in the affairs of other States and the preservation of cultural characteristics cannot be used to warrant restriction of the individual and collective human right to freedom of expression and the freedom to receive full information (...).